

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Kerwin E. Brown,

Plaintiff,

vs.

Joseph W. Brown Jr. and Ms. Tribbles,

Defendants.

C/A No. 2:19-cv-1994-JFA-MGB

ORDER

Kerwin E. Brown (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, has brought this action pursuant to 42 U.S.C. § 1983 alleging that jail officer Joseph Brown attacked him and Ms. Tribbles, one of the jail’s nurses, failed to give him proper medical treatment. (ECF No. 17). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the case was referred to a Magistrate Judge for review.

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this Court should summarily dismiss Plaintiff’s Amended Complaint in part. (ECF No. 17). The Report recommends that this Court dismiss Plaintiff’s claim against Defendant Tribbles in its entirety, and the portion of Plaintiff’s claim

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b).

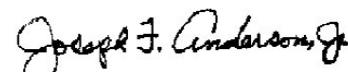
against Defendant Brown seeking damages in his official capacity. (ECF No. 20). However, the Report recommends that Plaintiff's claim against Defendant Brown for excessive force should not be dismissed as it is sufficient to survive initial screening. (ECF No. 20). The Report sets forth in detail the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on September 19, 2019. (ECF No. 20). The Magistrate Judge required Plaintiff to file objections by September October 3, 2019. (ECF No. 20). However, Plaintiff failed to file any objections to the Report. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation. (ECF No. 20). Thus, Plaintiff's Amended Complaint is summarily dismissed in part. (ECF No. 17). Plaintiff's claim against Defendant Joseph Brown seeking damages in his official capacity is dismissed and Plaintiff's claim against Defendant Tribbles is dismissed. (ECF No. 17). Plaintiff's claim against Defendant Joseph Brown will continue forward.

IT IS SO ORDERED.

December 2, 2019
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge